

R.S. 27:7-1 et seq.

October 2, 1968

LEGISLATIVE HISTORY ON R.S. 27:7-1 et seq.  
(State Highways - Acquisition, etc.)

COPY NO. 1

SCR 26 of 1926 requested the State Highway Commission to study problem of comprehensive highway system. Reports were:

*see copy 2  
for material*

974.90 N.J. State Highway Engineer..  
R268 Report ... comprehensive state  
1926 system ... to the ... Legislature  
of 1926.

974.90 N.J. State Highway Engineer.  
R628 Report ... Legislature of 1927.  
1927

L. 1927, Chapter 319 - S267  
Introduced March 8 by Larson  
No statement on original bill (copy enclosed).  
Bill passed by Committee Substitute.

RSL/PC

## NOTATIONS

S 249 Wolber Feb. 22—Provides for the purchase of copies of "New Jersey—At the Cross Roads of Commerce" from the State Chamber of Commerce for schools, libraries, State Board members, at cost of publication.

Feb. 22—Miscellaneous Business com.  
Mar. 14—Reported favorably.  
Mar. 14—Read second time.  
Mar. 16—Amended.  
Mar. 16—Laid over.

S 250 Stiles Feb. 22—Authorizes sheriff to name the clerk for the jury commission, for term of three years, and fix compensation.

Mar. 9—Reported by com. sub.  
Mar. 14—Passed in Senate.  
Mar. 21—Passed in Assembly.  
Mar. 30—Approved, Chapter 316.

S 251 Mathis Feb. 22—Provides for taking from one mill road tax, amount to pay counties for interest and engineering held to be due from State Highway Commission.

Mar. 7—Reported by Sen. com. sub.  
Mar. 14—Passed in Senate.  
Mar. 24—Passed in Assembly.  
Mar. 28—Approved, Chapter 159.

S 252 Cole Feb. 22—Provides for the apportionment by county superintendent of school a sum equal to 75 per cent of the cost of maintenance of pupil attending high school outside of district in which he resides, when a tuition fee is to be paid by Education Board.

Feb. 22—Education com.  
Mar. 14—Reported by com. sub.  
Mar. 14—Read second time.

S 253 Mackay Feb. 22—Permits Board of Managers of Institutions for Communicable Diseases to hire labor and equipment without formality of advertising for bids.

Feb. 22—Municipal Corporations com.  
Feb. 28—Reported favorably.  
Feb. 28—Read second time.  
Mar. 8—Laid over.  
Mar. 9—Laid over.  
Mar. 14—Recommitted to com.

S 254 Mackay Feb. 22—Grants Boards of Freeholders power to increase salary of Chief Probation Officer and his assistant.

Mar. 9—Passed in Senate.  
Mar. 22—Reported with com. amendts.  
Mar. 25—Lost in Assembly.  
Mar. 25—Reconsidered.  
Mar. 25—Amended.  
Mar. 25—Passed in Assembly.  
Mar. 25—As. amendts. passed in Sen.  
Mar. 31—Approved, Chapter 327.

S 255 Pierson Feb. 22—Requires Senate confirmation of future appointment of vice chancellors.

Feb. 22—Judiciary com.

S 256 Pierson Feb. 22—Creates State Water Commission with sole and full powers over development storage and sale at wholesale, of the water from all watersheds, excepting those developed by municipalities. Appropriates \$100,000. Commission of five members to be named by Governor.

Feb. 22—Judiciary com.

S 257 Pierson Feb. 22—Creates State Water Supply Commission of seven members, namely: W. E. Florance of New Brunswick, Harry Bacharach of Atlantic City, Carroll P. Bassett of Summit, F. Morse Archer of Haddonfield, W. C. Heppenheimer of Jersey City, S. Wood McClave of Englewood, Willard I. Hamilton of Newark.

Feb. 22—Judiciary com.

S 258 Pierson Feb. 22—Repeals paragraph three of Section 18, Chapter 190, Laws of 1924, governing appointment of district boards of water supply commissioners.

Feb. 22—Judiciary com.

S 259 Mackay Feb. 22—Provides that the Constitutional Amendments adopted by the 1926 and 1927 Legislatures be submitted to the voters for ratification on September 27, 1927.

Mar. 17—Reported by com. sub.  
Mar. 23—Amended.  
Mar. 23—Passed in Senate.  
Mar. 25—Amended.  
Mar. 25—Passed in Assembly.  
Mar. 25—As. amendts. passed in Sen.  
Mar. 31—Approved, Chapter 323.

## NOTATIONS

S 260 Stevens Mar. 1—Appropriations for statues of Washington and Lafayette at the site of the Battle of Monmouth; authorizes State to participate in one hundred and fiftieth anniversary in June, 1928.

Mar. 1—Judiciary com.  
Mar. 14—Reported favorably.  
Mar. 14—Read second time.  
Mar. 16—Laid over.

S 261 Pierson Mar. 1—Permits school boards in rural districts to improve lands other than those upon which school buildings are erected, and provides for issuance of bonds for improvements.

Mar. 14—Laid over.  
Mar. 16—Amended.  
Mar. 16—Passed in Senate.  
Mar. 22—Passed in Assembly.  
Mar. 30—Approved, Chapter 317.

S 262 Wolber Mar. 1—Permits head of any department in commission governed cities to serve as Mayor, also permits commissioners to determine department each will supervise.

Mar. 8—Passed in Senate.  
Mar. 25—Passed in Assembly.  
Mar. 31—Vetoed by Governor.  
Apr. 1—Passed in Sen. over Gov's veto.  
Apr. 1—Passed in As. over Gov's veto.  
Apr. 1—Filed, Chapter 330.

S 263 Wolber Mar. 7—Regulates marking of jewelry made of platinum or metals of platinum group.

Mar. 7—Judiciary com.

S 264 Larson Mar. 8—Changes date from July to October 1st, when motor vehicle funds become available to counties for road work.

Mar. 16—Passed in Senate.  
Mar. 24—Passed in Assembly.  
Mar. 28—Approved, Chapter 157.

S 265 F. M. Reeves Mar. 9—Supplemental appropriation bill, \$809,416.

Mar. 24—Passed in Senate.  
Mar. 25—Passed in Assembly.  
Mar. 29—Approved, Chapter 298.

S 266 F. M. Reeves Mar. 9—Annual appropriation bill, \$22,220,517.

Mar. 23—Reported with com. amendts.  
Mar. 24—Passed in Senate.  
Mar. 25—Passed in Assembly.  
Mar. 30—Approved, Chapter 318.

S 267 Larson Mar. 8—Provides for laying out of new State highway system; designating 50 routes.

Mar. 25—Passed in Senate.  
Mar. 25—Passed in Assembly.  
Mar. 30—Approved, Chapter 319.

S 268 Mathis Mar. 8—Provides for the construction of an Ocean Boulevard from Sandy Hook to Cape May.

Mar. 8—Highways com.

S 269 Simpson Mar. 9—Permits pensioning of first class county employees after serving 15 years in executive or supervisory positions, and reaching the age of 60 years.

Mar. 9—Judiciary com.

S 270 Carhart Mar. 9—Provides for temporary appointment of prosecutor by Common Pleas Judge, pending qualifying of Governor's Appointee.

Mar. 16—Passed in Senate.  
Mar. 21—Received in Assembly.  
Mar. 25—Reported favorably.  
Mar. 25—Read second time.

S 271 Stevens Mar. 14—Vests in New York Conference of Free Methodist Church, property of Free Methodist Church or Free Methodist Society that becomes extinct.

Mar. 22—Passed in Senate.  
Mar. 24—Passed in Assembly.  
Mar. 28—Approved, Chapter 158.

S 272 Pierson Mar. 14—Provides for regulation of stock insurance companies.

Mar. 21—Passed in Senate.  
Mar. 25—Passed in Assembly.  
Mar. 29—Approved, Chapter 299.

SENATE, No. 267

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1927.

By Mr. LARSON.

Referred to Committee on Highways.

AN ACT to establish a State Highway System, and to provide for the improvement, betterment, reconstruction, resurfacing, maintenance, repair and regulation of the use thereof (Revision of 1927).

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. The State Highway Commission shall as soon as practicable lay out routes  
2 for a State Highway System as follows:

ROUTES.

3 Route No. 1 and S-1. Rockleigh to Bayonne. Beginning at a point in the  
4 State boundary line between New York and New Jersey in Rockleigh borough, Ber-  
5 gen county, and terminating at a point in the city of Bayonne, passing through the  
6 boroughs of Rockleigh, Alpine and Cresskill, the city of Englewood, the boroughs  
7 of Fort Lee, Palisades Park and Ridgefield, the township of North Bergen in Hud-  
8 son county, the city of Jersey City, and the city of Bayonne; with a spur from this  
9 route in a southerly direction, through the boroughs of Ridgefield and Fairview con-  
10 necting with the Hudson County West boulevard in the township of North Bergen.

11 Route No. 2. Hohokus township to North Arlington. Beginning in the State  
12 boundary line between New York and New Jersey at a point near Suffern, New York,  
13 passing through the vicinity of Ridgewood, Hackensack, Hasbrouck Heights, Ruth-  
14 erford, Lyndhurst and North Arlington, and terminating on Route No. 7 in the bor-  
15 ough of North Arlington.

16 Route No. 3. Beginning at a point in the State boundary line between New  
17 York and New Jersey in the vicinity of Greenwood Lake on the westerly side there-

RECEIVED THE SENATE STATE OF NEW JERSEY

18

18 of and running thence in the vicinity of Hewitt, Midvale, Haskell, Pompton, Hale-  
 19 don, Prospect Park, Hawthorne and Paterson, following the westerly side of the  
 20 Passaic river to Ackerman avenue, in the city of Clifton; thence southerly through  
 21 Randolph and Parker avenues, to Passaic to intersection of Monroe street and Dun-  
 22 dee canal, covering Dundee canal to Passaic river through Wallington via Maple ave-  
 23 nue, Paterson Plank road through East Rutherford and Secaucus, terminating on  
 24 Route No. 8 in Secaucus.

25 Route No. 4 and S-4. Hudson River Bridge plaza to Perth Amboy and Cape  
 26 May. Beginning at the proposed Hudson River Bridge plaza and extending to Cape  
 27 May city, via Riverside, Fairlawn, Paterson, Clifton, via Route No. 3 to Randolph  
 28 avenue, thence via Lexington avenue, Piaget avenue, Bloomfield road, and Broad  
 29 street via Bloomfield, East Orange, Irvington, Roselle, Rahway, Woodbridge, Perth  
 30 Amboy, South Amboy, via Main street and its extension to Rose's corner, Cheese-  
 31 quake, Freneau, Freehold, Lakewood, Toms River, Oceanville, Seaville to Cape May  
 32 city. S-4. Extending from the proposed plaza of Staten Island bridge at Perth  
 33 Amboy to Route No. 4.

34 Route No. 5 and S-5. Paterson to Edgewater. Beginning at the Passaic  
 35 river in the city of Paterson by way of Maywood, Hackensack, Little Ferry,  
 36 Ridgefield, Fort Lee and terminating at the Ferry plaza in Edgewater with a spur  
 37 connecting Route No. 5 with Route No. 1 in Ridgefield and Fairview, overpassing  
 38 the Northern Railroad at Ridgefield.

39 Route No. 6. Hudson River Bridge plaza to Delaware. Beginning at the Hudson  
 40 River Bridge plaza by way of Palisades Park, Ridgefield Park, Little Ferry, Has-  
 41 brock Heights, Paterson, Caldwell, Dover, Netcong, Hackettstown, Buttzville and  
 41½ Delaware.

42 Route No. 7. Paterson to Jersey City by way of Clifton, Passaic, Nutley, Belle-  
 43 ville, Kearny and Jersey City.

44 Route No. 8. Delaware to Newton. Beginning at a point in Route No. 6 in  
 45 or near the town of Delaware and running thence in a northerly direction passing  
 46 through the vicinity of Columbia and Hainesburg through Blairstown and ending in  
 47 Newton at Route No. 31.

48 Route No. 9. Belleville to Pine Brook bridge by way of Belleville, Bloomfield,  
 49 Montclair, Verona and Caldwell to Pine Brook bridge.

50 Route No. 10. Jersey City to Dover by way of Jersey City, Kearny, Harrison,  
51 Newark, and thence in a generally westerly direction through Essex county into  
52 Morris county, and thence by way of Hanover, Whippany, and Littleton in a gener-  
53 ally westerly direction to connect with Route No. 6, at or near Dover.

54 Route No. 11. White House to Warrentville. Begin in Route No. 28, near  
55 White House thence via Pluckemin and Martinsville ending in Route No. 29, near  
56 Warrentville.

57 Route No. 21. Belleville to Newark. Beginning at the Belleville bridge, in  
58 Belleville, through Newark connecting with Route No. 25 in Newark.

59 Route No. 22. Pine Brook bridge to Rahway, by way of West Caldwell, Living-  
60 ston, Millburn, Springfield, Garwood and Rahway.

61 Route No. 23. Verona to Port Jervis, New York. Beginning at a point on Route  
62 No. 9 in Verona by way of Cedar Grove, Pequannock, Bloomingdale, Oak Ridge,  
63 Franklin Furnace, Sussex and High Point.

64 Route No. 24 and S-24. Newark to Phillipsburg. Beginning at Route No. 25  
65 in Newark by way of Irvington, Maplewood, Springfield, Morristown, Chester,  
66 Long Valley, Stephensburg, Washington and Phillipsburg, with a spur from Stephens-  
67 burg to Hackettstown connecting Route No. 24 with Route No. 6 between these  
68 points and a spur from Springfield along Morris avenue to Route No. 25 at Eliza-  
69 beth.

70 Route No. 25. Jersey City to Camden, via Jersey City, Kearny, via present  
71 Lincoln Highway crossing the Hackensack and Passaic rivers, then by way of New-  
72 ark, Elizabeth, Rahway, Woodbridge, crossing Raritan river near Weston Mills at  
73 New Brunswick, thence southerly, intersecting Cranbury turnpike near Bodines Cor-  
74 ner, thence via Cranbury turnpike through Deans, Dayton, Cranbury, Hightstown,  
75 Bordentown, Burlington and Camden.

76 Route No. 26 and S-26. Trenton to New Brunswick, via Trenton turnpike to  
77 Mile Run brook in city of New Brunswick. S-26. Beginning at a point in Route  
78 No. 26 near the southerly boundary line of city of New Brunswick and extending  
79 easterly by passing the city of New Brunswick to a point in Route No. 25.

80 Route No. 27. Howland Hook Bridge plaza to Trenton by way of Elizabeth,  
81 Rahway, Metuchen, New Brunswick, Princeton and Trenton.

- 82 Route No. 28. Elizabeth to Phillipsburg, by way of Elizabeth, Cranford,  
83 Westfield, Plainfield, Bound Brook, Somerville, Clinton to Phillipsburg.
- 84 Routes No. 29 and S-29. Newark, Lambertville, Trenton; via Newark, Hill-  
85 side, Mountain Side, North Plainfield, Bound Brook, Ringoes, Lambertville, Wash-  
86 ington Crossing and Trenton. S-29. Following Washington avenue in the bor-  
87 ough of Middlesex and the River road in township of Piscataway and borough of  
88 Highland Park from Route No. 29 in borough of Middlesex to Route No. 27 in  
89 borough of Highland Park.
- 90 Route No. 30. Trenton to Buttzville, by way of Pennington, Ringoes, Flem-  
91 ington, Clinton, Washington and Buttzville.
- 92 Route No. 31 and S-31. Princeton to Unionville, New York, by way of Somer-  
93 ville, Bedminster, Netcong, Newton, Sussex to a point in the State boundary line  
94 between New York and New Jersey in the vicinity of Unionville with a spur from  
95 Augusta to the Delaware river opposite the town of Milford, Pennsylvania.
- 96 Route No. 32. Bedminster, Mountain View, by way of Bernardsville, Morris-  
97 town, Morris Plains, Littleton, Boonton to Mountain View, terminating on Route No.  
98 23.
- 99 Route No. 33. Trenton to Asbury Park, by way of Robbinsville, Hightstown,  
100 Freehold and Asbury Park.
- 101 Route No. 34. Freneau to Burnsville. Beginning at a joint in Route No. 4  
102 at Freneau, thence in an easterly direction to the Valley drive, along Valley drive  
103 through Holmdel, Vanderburgh, Colts Neck to a point near Shark River station of  
104 Central Railroad of New Jersey, thence to Allerwood, thence to Route No. 35 at  
104½ Burnsville.
- 105 Route No. 35. South Amboy Bridge plaza to Lakewood, by way of Keyport,  
106 West Long Branch, Oakhurst, Interlaken, West Asbury Park, Belmar, Manasquan,  
107 Point Pleasant, Burnsville to Lakewood.
- 108 Route No. 36. Keyport to Atlantic Highlands. Beginning at the corner of  
109 Broad street and Front street, Keyport, down the hill to First street, along First  
110 street to Second Street bridge, along Stone road to Keansburg, through Keansburg  
111 on Church street, along Shore road to Draw bridge at Belford, thence across mead-  
112 ows to Center avenue, Ocean View, along Center avenue to First avenue, Atlantic

113 Highlands, along First avenue and over the Ocean boulevard to Navesink avenue,

114 Highlands and the Draw bridge.

115 Route No. 37. Trenton to Toms River by way of Allentown, Lakehurst and

116 Toms River.

117 Route No. 38. Camden to East Hampton, by way of Merchantville, Moores-

118 town, Mount Holly and East Hampton, ending in Route No. 39.

119 Route No. 39. Yardley bridge by passing Trenton through Bordentown to

120 Da Costa. Beginning at a point at or near the Yardley bridge across the Dela-

121 ware river and running thence in a semicircular path around the city of Trenton,

122 passing through the vicinity of Trenton Junction, Ewingville, Bakersville, Mer-

123 cerville to Bordentown, Columbus, Vincentown, Red Lion, Indian Mills, Atsion and

124 Da Costa.

125 Route No. 40. Camden to Lakewood; via Marlton, Red Lion, Whittings and

126 Lakehurst. S-40. Four Mile to Manahawken. Beginning at a point in proposed

127 Route No. 40 in or near Four Mile, and running thence in a southeasterly direction,

128 passing through the vicinity of Cedar bridge and connecting with proposed Route

129 No. 4 in or near Manahawken.

130 Route No. 41. Bridgeboro to Fairview, beginning at a point in Route No. 25

131 in the vicinity of Bridgeboro and passing in the vicinity of Moorestown, Haddon-

132 field and connecting with Route No. 47 at Fairview.

133 Route No. 42. Camden to Route No. 48 at or near McKee City. Beginning at

134 the intersection of the Black Horse pike with Ferry avenue in the city of Camden,

135 thence in a southerly direction along the Black Horse pike through Mt. Ephraim,

136 Chews Landing, Blackwood, Grenloch, thence through Williamstown, Cecil, Wey-

137 mouth to Route No. 48 at or near McKee City.

138 Route No. 43. Camden to Absecon, by way of Berlin, Hammonton, Egg Har-

139 bor city to Absecon.

140 Route No. 44. Westville to Penns Grove, by way of Paulsboro and Bridge-

141 port to Penns Grove.

142 Route No. 45. Camden to Salem, by way of Woodbury, Mullica Hill, Woods-

143 town to Salem.

144 Route No. 46. Mullica Hill to Bridgeton, by way of Upper Penns Grove to  
145 Bridgeton.

146 Route No. 47. Brooklawn to Tuckahoe, by way of Glassboro, Malaga, Vine-  
147 land and Millville.

148 Route No. 48. Penns Grove to Atlantic City by way of Woodstown, Elmer,  
149 Malaga, Mays Landing, Pleasantville and Atlantic City.

150 Route No. 49 and S-49. Salem to Oceanview, by way of Bridgeton, Mill-  
151 ville, Port Elizabeth, Dennisville, South Dennisville to Oceanview, with a spur from  
152 South Dennisville to Rio Grande by way of Goshen connecting Route No. 49 with  
153 Route No. 4.

154 Route No. 50. Egg Harbor city to Seaville, by way of Mays Landing, Oak-  
155 ville, Tuckahoe to Seaville.

1 100. Said routes shall be as short and direct as practicable between the points  
2 specified, due regard being had for the other requirements of the act.

3 Existing highways may be made use of wherever it is convenient so to do, but  
4 the commission may lay out, open and improve new roads over acquired rights-of-  
5 way, and may also lay out routes in continuation of, connecting with, or in addition  
6 to the routes above specified.

1 101. The State Highway Commission shall from time to time cause to be pre-  
2 pared a road map or plan of the State showing thereon the State highways and coun-  
3 ty roads.

1 102. When, in its discretion, it shall see fit so to do, the State Highway Com-  
2 mission shall give notice in writing, which may be served by mailing to the presid-  
3 ing officer or clerk of the governing body in charge, that the said commission will, upon  
4 a day to be fixed in said notice, and not less than thirty days from the date thereof,  
5 give a hearing to all parties interested therein, and shall after said hearing determine  
6 by resolution whether any routes, route or parts thereof, if any, shall be taken over  
7 as a State highway, and shall notify such governing body of such action. Upon  
8 the passage of such resolution, such routes, route, or parts thereof, shall become a  
9 State highway, and its further improvement, maintenance and repair shall be at the  
10 expense of the State under the jurisdiction of the State Highway Department; *pro-*  
11 *vided, however,* that whenever such resolution or any amendment thereof made be-

12 fore the work of such portion of any State highway has been begun shall contain  
13 a provision or provisions that certain or any indicated portions of any State high-  
14 way to a length thereof in any particular location not exceeding five miles is subject  
15 to change of route at any time thereafter, which change is hereby limited to five  
16 years from the completion of such highway in its entirety as originally laid out, will  
17 or may, in such location or locations, be subject to change of location, then and in  
18 such case the certain indicated portion or portions thereof shall not become perma-  
19 nently dedicated as a part of the route of such State highway, but the said commis-  
20 sion shall, in such case, alter such route and lay out such new part of such route as  
21 may be indicated by resolution of such commission as might have been done in the  
22 first instance, and the vacated portion of such highway to the extent limited herein  
23 may then and in such case be either vacated (and may be taken over by the board of  
24 chosen freeholders of the county and maintained as a county road as is otherwise  
25 provided by law); *provided, further, however,* that whenever the governing body,  
26 or other jurisdiction from which said highway is taken over, has rights or benefits  
27 by virtue of an understanding, agreement, award or contract with any public utility  
28 or other company, firm individual or corporation, to repair, maintain or construct  
29 all or any part of such highway, or to deliver or execute any other source of obliga-  
30 tion with respect thereto, the said undertaking shall remain in force, and all such  
31 contractual or agreement rights, duties and benefits shall pass to and be taken over  
32 and assumed for the State by the State Highway Commission. All the terms, con-  
33 ditions and requirements of such agreements or contracts shall be fulfilled to the  
34 State by any public utility or other company, firm, individual or corporation, in the  
35 same manner as if they had been originally made between the State and said com-  
36 panies, firms, individual or corporations.

1 103. If at the time when it is proposed to take over any highway, a contract  
2 for any work thereon shall have been awarded but the work thereunder not com-  
3 pleted, the further operation of this act with respect to such highway or part there-  
4 of shall be suspended until the completion of such work.

1 104. If when any highway is taken over by the State under this act, and county  
2 shall have improved, reconstructed or made any extraordinary repairs upon the same,  
3 or any part thereof, under a contract or contracts awarded after the first day of

4 March, one thousand nine hundred and twenty-seven, the State Highway Commission  
5 shall first set aside from the funds under its control herein provided for a sufficient  
6 sum of money to reimburse such county for all money expended by it on such work,  
7 whether the moneys so expended were raised by the issue of bonds or otherwise, ex-  
8 clusive, however, of all moneys which may have been received by such county in the  
9 form of State aid, and expended as part of the cost of such extraordinary repairs  
10 or reconstruction; *provided, however,* that no such repayment shall be made, by vir-  
11 tue of any award of contract made therefor after the date upon which this act shall  
12 take effect, unless some proceeding concerning such contract has been heretofore be-  
13 gun or said contract shall have been approved by the State Highway Commission,  
14 before the execution thereof. For the purpose of determining the amount of money  
15 expended by any such county as aforesaid, the county engineer shall prepare and file  
16 with the State Highway Commission a detailed certificate of the moneys so ex-  
17 pended by such county, and shall be accepted as fixing the amount so expended by  
18 such county; *provided, however,* that such work shall be equal to that required by  
19 the provisions of this act.

20 In case any money thus repaid to any county was raised by sale of bonds an  
21 amount equal to the amount thus raised, shall be used to retire such county bonds  
22 or invested in such manner as may be lawful for sinking funds.

23 (b) Any money repaid to any county pursuant to this section may be used to  
24 retire county bonds or may be invested for sinking fund purposes as provided in said  
25 section, or for the retirement of bonded indebtedness the payment for which no other  
26 provision has been made. A portion or all of such moneys may be set apart and  
27 used for the improvement or reconstruction of or for making extraordinary repairs  
28 upon any highway or highways which are a part of the county road system, which  
29 highways need not be a part of the State Highway System, but such money when  
30 set apart shall be used for no other purpose than provided for in this act.

31 (c) It shall be lawful for the board of chosen freeholders of the county, upon  
32 the certification of the State Highway Commission of the amount of moneys to be re-  
33 paid, to make appropriations for the improvement, reconstruction or extraordinary  
34 repairs of highways, and to enter into contracts therefor previous to the receipt of  
35 such money, and to temporarily finance such contracts by the issuance of temporary

36 improvement notes. Such notes to be paid and retired upon the receipt of such  
37 moneys from the State.

38 (d) The expenditure of such money shall be under the control of the board of  
39 chosen freeholders of the county, and it shall not be necessary to submit plans and  
40 specifications for such improvement, reconstruction or extraordinary repairs to the  
41 State Highway Commission, unless such highways are a part of the State High-  
42 way System.

1 105. The State highways herein provided for shall be paved with granite, as-  
2 phalt, or wood blocks, bricks, concrete, bituminous concrete, sheet asphalt or other  
3 pavement having a hard surface and of a durable character. But nothing in this act  
4 shall be held to prevent the State Highway Commission from maintaining roads  
5 heretofore improved with other materials with their present or similar surfaces pend-  
5½ ing their paving with materials complying with this act. In all cases the width of  
6 the pavement shall be at least eighteen feet and the total width of the roadway shall  
7 be at least thirty feet, except at bridges, culverts, or grade crossings, where the  
8 width of the roadway shall be of such width or widths as the State Highway Com-  
9 mission may deem necessary and determine. All sharp turns and angles and rail-  
10 road grade crossings shall be eliminated wherever practicable.

1 106. The State Highway Commission shall take charge of all work on State  
2 highways and maintain the same in good order. All work of improvement, better-  
3 ment, reconstruction, or resurfacing shall be done in accordance with plans and speci-  
4 fications prepared by the State Highway Department. All work of maintenance,  
5 repair and extraordinary repair shall be done at the expense of the State and may  
6 be done either as an independent contractor or employer or through contracts made  
7 in the name of the State of New Jersey.

1 107. For any road in the State Highway System prior to its taking over as a  
2 State highway, as provided by this act, no consent, grant or franchise for the lay-  
3 ing in or upon it of any railroad or street railway crossings, gas pipes, water pipes,  
4 electric conduits or other piping, telegraph, telephone, electric light or power poles  
5 shall be given except under such restrictions, regulations and conditions as are or  
5½ shall be approved and officially made known by the State Highway Commission to  
6 the body with authority to issue such privilege. No issue of such consent, grant

7 or franchise by any public body shall operate as a waiver of liability in favor of  
8 the person, firm, company or corporation laying or erecting such works in or upon  
9 such highway or any portion thereof.

1 108. When in any municipality, the streets or roads of which will form proper  
2 connections of State highway, the State Highway Commission may enter into con-  
3 tract with such municipality for work which shall place such streets or roads  
4 in a condition which will be in keeping with the nature of the State highways ap-  
5 proaching and leaving such municipality; and whenever such municipality shall deem  
6 it advisable to improve any part of any State highway lying within such munici-  
7 pality, such part lying outside the limits of the area of such highway heretofore im-  
8 proved or hereafter proposed to be improved by the State Highway Commission,  
9 or by any county with the consent and approval of the State Highway Commission,  
10 such municipality shall proceed in like manner as for the making of a local or gen-  
11 eral improvement, as the case may be, and as the terms "local" and "general" are  
12 defined in a certain act of the Legislature of the State of New Jersey entitled "An  
13 act concerning municipalities," approved March twenty-seventh, one thousand nine  
14 hundred and seventeen, except that, notwithstanding any other statutory provision,  
15 advertising for or receiving bids for the making of such improvement shall not be  
16 required; *provided*, in lieu thereof, such municipality, upon the approval of such  
17 proceedings by the State Highway Commission, may enter into contract with said  
18 commission for the making of such improvement and for the payment to the State  
19 of New Jersey of the costs of such improvement as fixed in such contract; *pro-*  
20 *vided, however*, that whenever the improvement of such State highway shall be un-  
21 dertaken by any county under the provisions of an act entitled "An act to authorize  
22 the counties of this State to construct, improve and complete the whole or any part  
23 of any State highway within any such county now or hereafter laid out by the State  
24 Highway Commission, and to issue and sell the bonds or other obligations of the  
25 county to provide funds for such purposes," approved March fourth, one thousand  
26 nine hundred and eighteen, or any amendment thereof or supplement thereto, then,  
27 in such event, the said municipality may, instead, enter into contract with said  
28 county for the making of such improvement and for the payment to said county of  
29 the cost thereof, as fixed in such contract; *provided, further*, that all bridges and

30 approaches thereto containing a draw and not less than six hundred feet in length,  
31 forming a part of any of the routes as described in section one of the act to which  
32 this act is an amendment, and extending over any navigable waterway, or any part  
33 thereof, which forms the dividing line or part thereof between two municipalities in  
34 this State, which bridge, bridges and approaches shall have been in existence for at  
35 least ten years previous to the passage of this act, shall upon the State Highway  
36 Commission heretofore or hereafter taking over same according to section three of  
37 the act to which this act is an amendment, the whole or any part of the route of  
38 routes of which said bridge, bridges and approaches form a connecting or continu-  
39 ing part to said State Highway System; said bridge, bridges and approaches or  
40 any part thereof shall be and become a part of said State Highway System and the  
41 State Highway Department shall thereupon immediately take over the improvement,  
42 betterment, reconstruction, resurfacing, maintenance, repair and regulation of the  
43 uses thereof.

1       109. In the construction, repair and maintenance of highway, forming a part  
2 of the State Highway System, the said commission shall possess and exercise, in  
3 addition to those conferred by this act, all those rights and powers, not incompatible  
4 with its functions nor prohibited by law, which are now exercised by overseers of  
5 roads and boards of chosen freeholders in road construction, repair and mainte-  
6 nance; *provided*, wherever any State highway shall run through a city having a  
7 population of seventy-five thousand or more, over streets or roads formerly under  
8 the jurisdiction of said city, such city shall retain in all such streets or roads all its  
9 former jurisdiction and rights as to the construction and regulation of the use of  
10 all water, sewer, gas and other subsoil conduits and structures.

1       110. It shall be lawful for the State Highway Commission to enter into writ-  
2 ten agreement with any board of chosen freeholders or other public body, or any  
3 person or corporation for co-operation in any work, and to assume any portion of  
4 that cost. Such board or public body may raise their proportionate share of such  
5 cost in accordance with the provisions of any law providing for road improvement or  
6 maintenance. Upon approval by the said commission of the certificate of the inspec-  
7 tor and engineer in charge of the work that the same has been satisfactorily com-  
8 pleted in whole or in part, according to contract, drawings and specifications, the dis-

9 bursing officer of said board or body shall pay its share of the whole or partial cost  
10 to the State Treasurer to the credit of the State Road Fund.

1 111. In addition to, and not in limitation of, its general powers, the State  
2 Highway Commission shall have power—

3 a. To determine and adopt rules, regulations and specifications and to enter  
4 into contract covering all matters and things incident to the acquisition, construc-  
5 tion, reconstruction, maintenance and repair of State highways.

6 b. To execute and perform as an independent contractor or through contracts  
7 made in the name of the State of New Jersey, all manner of work incident to the  
8 maintenance and repair of State highways.

9 c. To establish and maintain as an independent contractor or employer a patrol  
10 repair system for the proper and efficient maintenance and repair of State highways.

11 d. To employ and discharge, subject to the provisions of the Civil Service act,  
12 all foremen and laborers, prescribe their qualifications and furnish all equipment,  
13 tools and material necessary for such patrol repair system.

14 e. To widen, straighten and regrade any State highway and to acquire any lands  
15 or rights therein by gift, devise, purchase, or by condemnation, according to the  
16 procedure as contained in an act entitled "An act to regulate the ascertainment and  
17 payment of compensation for property condemned or taken for public use" (Revi-  
18 sion of 1900), approved March twentieth, one thousand nine hundred, and vacate  
19 any State highway or any part thereof. The State Highway Commission shall have  
20 the right and power to enter upon and take property in advance of making com-  
21 pensation therefor in any case where it cannot acquire land or other property by  
22 agreement with the owner, whether by reason of disagreement as to the price, or the  
23 legal incapacity or absence of the owner, or his inability to convey valid title, or by  
24 reason of any other cause. In any such case, upon the said Highway Commission  
25 exercising this right and entering upon and taking land in advance of making com-  
26 pensation therefor, it shall present a petition, and proceedings shall be had to fix the  
27 compensation to be paid to the owner, as provided in the said act entitled "An act to  
28 regulate the ascertainment and payment of compensation for property condemned or  
29 taken for public use" (Revision of 1900), approved March twentieth, one thousand  
30 nine hundred. To do and perform whatever may be necessary or desirable to effec-

31 tuate the object and purposes of this act. To do and perform all acts now required  
 32 by law to be done and performed by the State Commissioner of Public Roads, the  
 33 State Highway Commission and the Highway Commission. These powers are to be  
 34 liberally construed.

1 112. All work of construction or building of unimproved roads and of extensive  
 2 repairs to improved roads taken over as State highways shall be by contract or by  
 3 labor of inmates of State institutions; *provided, however*, whenever the State High-  
 4 way Commission shall determine to construct or reconstruct any highway in this  
 5 State, said commission shall prior to the advertisement of such construction or re-  
 6 construction, serve upon the owner and tenants of the lands abutting the proposed  
 7 highway to be constructed or reconstructed and upon any public utility using said  
 8 highway, a notice to the effect that subsequent to the construction of the surface  
 9 pavement thereon, no openings will be permitted in said highway for a period of five  
 10 years thereafter, without the consent of the State Highway Commission had and  
 11 obtained. Such notice shall be served upon the owner, tenant or public utility prior  
 12 to the advertisement for such construction or reconstruction and notice if personal  
 13 service upon the owner cannot be obtained, may be made by attaching a copy of  
 14 said notice to the premises and in the case of a public utility, by service of a copy  
 15 thereof, upon an officer or employee thereof and further by posting signs at either  
 16 end of the proposed construction or reconstruction in the following manner: No-  
 17 tice is hereby given that the State Highway Commission will on or about .....  
 18 begin improvement with a permanent surface that portion of State highway route  
 19 .....section.....from.....to.....

20 *Provided, further*, whenever an owner, tenant, or public utility company desires  
 21 to open any highway before the expiration of the time in this act limited, applica-  
 22 tion shall be made to the State Highway Commission for permission so to do and  
 23 permission may be granted, upon such terms as the commission shall prescribe. For  
 24 the purposes of this act, a public utility is defined to be and included, every indi-  
 25 vidual, copartnership, association, corporation or joint stock company, their lessees,  
 26 trustees, or receivers appointed by any court whatsoever, that now or hereafter may  
 27 own, operate, manage, or control within the State of New Jersey any steam rail-  
 28 road, street railway, traction railway, canal, express, subway, pipe line, gas, electric,

29 light, heat, power, water, oil, sewer, telephone, telegraph system, plant or equipment  
30 for public use, under privileges granted by the State of New Jersey or by any politi-  
31 cal subdivision thereof.

1 113. The State Highway Commission shall advertise for bids on the work and  
2 materials covered by the plans and specifications and may divide the same into two  
3 or more contracts, but all bids for the whole or as subdivided shall be submitted at  
4 the one time. Such advertisement shall be by public notice published for at least  
5 three weeks before the contract may be awarded, at least once a week in each of two  
6 newspapers printed in the county or counties where such roads are located, and in  
7 one other newspaper in Trenton, and may be inserted in one or more American En-  
8 gineering periodicals. The advertisements shall give a brief description of work and  
9 materials required, specify where plans and specifications can be seen, or had, the  
10 hour, the date, and place where the sealed proposals will be received and publicly  
11 opened and read, and such other pertinent information the commission may include.

1 114. The commission may reject any or all bids not in accord with the adver-  
2 tisement of specifications, or for other irregularity, or may reject any or all bids if  
3 the price for work or materials is excessively above the estimated cost, or for any  
4 other cause. The State Highway Engineer shall prepare a list of the bids, includ-  
5 ing any rejected and the cause therefor, and the commission by resolution shall  
6 award the contract to the lowest responsible bidder.

1 115. A certified check equal to at least ten per centum of the bid; *provided,*  
2 *the same shall in no case exceed twenty thousand dollars (\$20,000); and provided,*  
3 *further, that in case the bid be less than five thousand dollars (\$5,000) the check*  
4 *shall be five hundred dollars (\$500) and must accompany the bid and be drawn to*  
5 *the order of the State Treasurer, and shall be held as security that, if awarded the*  
6 *contract, the bidder will deliver the same within ten days from the ratification of the*  
7 *award, properly signed and secured by a satisfactory bond; provided, further, that*  
8 *it shall be the duty of the State Highway Commission to make the award of a con-*  
9 *tract or contracts or to reject the same within the period of one month from the date*  
10 *the bids are received, and that all proposal checks which may be delivered with any*  
11 *bid or bids, excepting the two lowest responsible bids, shall be returned within three*  
12 *days thereafter.*

13 In case of the bidder's failure to provide a satisfactory bond as aforesaid, said  
14 check shall be forfeited to the State as liquidated damages, and shall be applied and  
15 become a part of the State Road Fund. The commission may require in addition to  
16 said certified check such additional evidence of the ability of a contractor to perform  
17 the work required by the contract, as it may deem necessary and advisable.

1 116. Contracts may provide for partial payments at least once each month or  
2 from time to time as the work progresses on work of construction or maintenance,  
3 amounting to ninety per centum of the value of the materials in place and of the work  
4 done.

5 Contracts may also provide for partial payments at least once in each month or  
6 from time to time as the work progresses on all materials placed along or upon the  
7 site which are suitable for the use and execution of the contract, but such partial pay-  
8 ments shall be eighty per centum of the value of such material; *provided*, the con-  
9 tractor furnishes releases of liens for all materials furnished at the time each esti-  
10 mate of work is submitted for payment.

11 Where, however, the contract provides that a portion of the work may be de-  
12 ferred with the approval of the State Highway Commission, the sum withheld from  
13 the contractor may not be less than twenty-five (25) per centum of the value of said  
14 work.

15 That whenever any contractor has completed his contract for work to be done  
16 under this act no per centum of the contract price shall be retained, but the contrac-  
17 tor shall enter into a bond in a sum amounting to five per centum of the contract price  
18 with any surety company authorized to do business in the State of New Jersey  
19 and which has the approval of the Attorney-General, to the State Highway Commis-  
20 sion, which bond shall remain in full force and effect for the period of one year,  
21 and shall provide that the contractor can be held responsible for poor workmanship  
22 done or poor material furnished under such contract, but he shall not be responsible  
23 for acts or causes which are beyond or outside of his control.

1 117. The fiscal year of the State Highway Commission shall begin on the first  
2 day of January in each year, beginning with the year one thousand nine hundred and  
3 twenty-three, and shall end on the thirty-first day of December of such year. At  
4 the end of each fiscal year, and on the thirtieth day of June during each such year,

5 the State Highway Commission shall make to the State Comptroller a full financial  
6 report showing the available unexpended balances in the several accounts, also all out-  
7 standing liabilities under contracts or other financial obligations to counties, munic-  
8 palities, person, firm or corporation.

1 118. Wherever in this act the following words are used, they shall be held to  
2 have the meanings hereinafter given:

3 Department: The State Highway Department, acting through the action of the  
4 State Highway Commission, or such officials as may be by the commission designated.

5 Commission: The State Highway Commission.

6 Engineer: The State Highway Engineer, or the Assistant State Highway En-  
7 gineer, when designated.

8 Highway: Any public right-of-way, whether open or improved or not, in-  
9 cluding all existing factors of improvements.

10 State Highway System: All highways included in the routes set forth in this  
11 act, or others added thereto, including all bridges, culverts, such necessary gutters,  
12 guard rails, along the route thereof.

13 Roads: Highways other than streets, boulevards and parkways.

14 State Roads: Roads taken over by the State and maintained by the State.

15 County Roads: Roads taken over, controlled or maintained by the county.

16 Streets: A highway in a thickly-settled district where, in a distance of one  
17 thousand three hundred and twenty feet on the center line of the highway, there  
18 are twenty (20) or more houses within one hundred feet of said center line; or  
19 any highway which the governing body in charge thereof and the commission may  
20 declare a street; also all highways within incorporated municipalities of over twelve  
21 thousand population by the last census; the word "street" shall be deemed to include  
22 boulevards, parkways, speedways, being highways maintained mainly for purposes of  
23 scenic beauty or pleasure, or of which the public use is restricted.

24 Routes: A highway or set of highways including roads, streets, boulevards,  
25 parkways, bridges and culverts needed to provide direct communication between des-  
26 ignated points.

27 Governing Body: The mayor and council, town council, village trustees, commis-  
28 sion or committee of any municipality, including townships. And the board of  
29 chosen freeholders of any county.

30 Take Over: The action by the department in assuming the control and mainte-  
31 nance of any part or parts of the State Highway System.

32 Authority: Any governing body or public official charged with the care of any  
33 highway.

34 Improvement: The original work on a road or right-of-way which converts  
35 the same into a road which shall, with reasonable repairs thereto, at all seasons of  
36 the year, be firm, smooth and convenient for travel. Improvement shall consist of  
37 location, grading, surface, and subsurface drainage provisions, including curbs, gut-  
38 ters, and catch basins, foundations, shoulders and slopes, wearing surface, bridges,  
39 culverts, retaining walls, intersections, private entrances, guard rails, shade trees,  
40 illumination, guideposts and signs, ornamentation and monumenting. All of these  
41 component factors need not be included in an original improvement.

42 Betterment: Construction, subsequent to the original improvement, of any one  
43 or more of the component factors properly belonging to the original improvement,  
44 which may have been omitted in the original improvement of a road, or which adds  
45 to the value thereof after improvement.

46 Reconstruction: Rebuilding with the same or different material of an existing  
47 improved road, involving alterations or renewal of practically all the component fac-  
48 tors of which the original improvement consisted.

49 Resurfacing: Work done on an improved road involving a new or partially  
50 new pavement, with or without change in width, but without change in grade or  
51 alignment.

52 Maintenance: Continuous work required to hold an improved road against  
53 deterioration due to wear and tear and thus to preserve the general character of  
53½ the original improvement without alteration in any of its component factors.

54 Repairs: Limited or minor replacements in one or more of the component fac-  
55 tors of the original improvement of a road which may be required by reason of storm  
56 or other happening in order that there may be restored a condition requiring only

57 maintenance to preserve the general character of the original improvement of a  
58 road.

59 Extraordinary Repairs: Extensive or entire replacement, with the same or a  
60 different kind of material, of one or more of the component factors of the original  
61 improvement of a road, which may become necessary because of wear, disintegra-  
62 tion or other failure.

63 Jurisdiction: The civil division of the State, over the roads of which any  
64 authority may have charge.

65 Work: The acquisition of land for any purpose connected with highways for  
66 adjoining sidewalks by lease, gift, purchase, demise, or condemnation, for temporary  
67 or permanent use; the laying out, opening, construction, improvement, repair and  
68 maintenance of highways, removing obstructions and encroachments from adjoining  
69 sidewalks; the building, repair and operation of bridges; the building of culverts,  
70 walls, and drainage, the planting of trees, the protection of slopes, the placing and  
71 repair of road signs and monuments, the opening, maintenance and restoration of  
72 detours, the elimination of grade crossings, the lighting of highways, the removal of  
73 obstructions of traffic and to the view, surveying and preparation of drawings and  
74 papers, the counting of traffic, the letting of contract, purchase of equipment, mate-  
75 rials and supplies, hiring of labor, and all other things and services necessary or con-  
76 venient for the performance of duty imposed by this act.

119. In case any clause, proviso or section of this act shall be attacked in any  
2 court of competent jurisdiction, and shall be declared to be invalid or unconstitu-  
3 tional, the clause, proviso or section so declared to be invalid or unconstitutional  
4 shall be excised from this act, but the remainder of the act shall stand.

120. This act shall be considered as a revision of an act entitled "An act to  
2 establish a State Highway system, and to provide for the improvement, better-  
3 ment, reconstruction, resurfacing, maintenance, repair and regulation of the use there-  
4 of," approved March thirteenth, one thousand nine hundred and seventeen, being  
5 chapter fourteen, Pamphlet Laws one thousand nine hundred and seventeen, and  
6 the acts amendatory thereof and supplement thereto; excepting that it is the pur-  
7 pose of this act to constitute the routes of the State Highway System (Revision of  
8 1927).

1 121. All acts or parts of acts inconsistent herewith are repealed, and this act  
2 shall take effect immediately.